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WILFREDO CABRERRA

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,  
PLAINTIFF,

v.

WILFREDO CABRERRA,  
DEFENDANT.

CR 19-452 WHO

DEFENDANT'S SENTENCING MEMORANDUM

HONORABLE WILLIAM H. ORRICK

DATE: FEB. 6, 2020

TIME: 1:30 P.M.

## INTRODUCTION

Wilfredo Cabrerra comes before the Court for sentencing, have pled guilty to a single violation of 21 U.S.C. § 841 for selling \$17.00 worth of heroin to an undercover officer in the Tenderloin. Mr. Cabrerra is 51 years old, in poor health, and addicted to drugs himself. A sentence of credit for time served would be sufficient to achieve the goals of sentencing with respect to him.

## DISCUSSION

Mr. Cabrerra should be sentenced to credit for time served. Although the advisory Sentencing Guidelines recommend a sentence between 8-14 months, this range falls within Zone B of the sentencing table. U.S.S.G. § 2D1.1, 5C1.1(e) Zone B allows for substitution of home confinement or halfway house placement for any term of custody over one month. USSG § 5C1.1(e); PSR ¶ 61. Thus, even the advisory Guidelines do not necessarily require further imprisonment for Mr. Cabrerra.<sup>1</sup> Consideration of the factors enumerated in 18 U.S.C. § 3553(a), further compels the conclusion that a variance from the advisory Guideline range is warranted.

When Wilfredo Cabrerra finished the sixth grade he stopped going to school because his family could no longer afford it. He started working in the fields with his father at the age of 12. At 23, he left home to come to the United State, where he worked and sent money home to his family every two weeks. Since then, he has been travelling back and forth between the United States and Honduras, where he has a wife and two grown children. Mr. Cabrerra continued sending his elderly father \$500 every month until his father died in November of 2019 (while Mr. Cabrerra was in custody for this offense). Now Mr. Cabrerra is 51 years old. He has lost his hearing in one ear and is losing his vision. Upon his release, Mr. Cabrerra will return to Honduras to be with his family and farm a small plot of land his father left him. PSR¶¶ 37-49, 54. His history and characteristics thus warrant a downward variance under 18 U.S.C. § 3553(a)(1).

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<sup>1</sup> Because of his immigration status, Mr. Cabrerra cannot take advantage of either of the custody alternatives proposed by the Guidelines.

